

# **FISCAL NOTE**

## **SB 1696 - HB 1669**

March 5, 2003

**SUMMARY OF BILL:** Makes a person or entity liable for damages in a defamation action brought by a candidate for public office, if such person or entity publishes or distributes or causes to be published or distributed any campaign literature or political advertisement, relating to the conduct, fitness, or record of the candidate, with knowledge of the falsity or with reckless disregard of whether such literature or advertisement is false or not. Damages would include compensatory damages and punitive damages in such amount as the court may allow. The court could award reasonable attorney's fees and costs to the prevailing party.

Under present law, it is a Class C misdemeanor for any person to publish or distribute, or cause to be published or distributed any campaign literature in opposition to any candidate in any election if such person knows that any such statement contained therein with respect to such candidate is false.

### **ESTIMATED FISCAL IMPACT:**

#### **Increase State Expenditures - Not Significant**

Any increase in court expenditures as the result of additional cases is estimated to be not significant.

### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James A. Davenport".

James A. Davenport, Executive Director